

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, *et al.*

Debtors.¹

PROMESA Title III

No. 17 BK 3283-LTS

(Jointly Administered)

UNITED STATES' MOTION FOR EXTENSION OF TIME

The United States hereby respectfully moves for an extension of time in which to notify this Court whether it intends to defend the constitutionality of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), Pub. L. No. 114-187, 130 (2016), as well as an extension of time in which to file a brief if the United States does intend to defend PROMESA.

On August 15, 2017, the United States filed its Acknowledgment of Constitutional Question and Notice of Potential Participation and proposed that it file its Notice on October 6,

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284) (Last Four Digits Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

2017, and its brief, if any, on November 5, 2017. The Court adopted that schedule on August 17, 2017. The United States filed a similar acknowledgment in the adversary proceeding filed by Union de Trabajadores de la Industria Electrica y Riego (“UTIER”), Adv. Proc. No., 17-228-LTS, in which the United States proposed the deadline of October 16, 2017, for its Notice and November 10, 2017, for its brief, if any. The Court adopted that schedule as well on August 18, 2017.

The United States now respectfully seeks an extension of time to file its Notice and, if necessary, its brief in support of the constitutionality of PROMESA. The Government’s deliberation on the issue has taken longer than initially anticipated. Indeed, the approval of the Solicitor General is required for the United States to defend the constitutionality of a federal statute. *See* 28 C.F.R. § 0.21. Moreover, the Government does not believe that the extension would prejudice the parties. The Government is aware of Aurelius’s Informative Motion Regarding Scheduling, ECF No. 1385, as well as the Oversight Board’s Response, ECF No. 1386, both of which propose that the United States file its Notice by November 6, 2017, and its brief, if any, by December 6, 2017. That proposed schedule with respect to the United States’ deadlines is acceptable to the United States. Accordingly, the United States respectfully requests that the Court extends the current October 6 and November 5, 2017, deadlines to November 6 and December 6, 2017, respectively.

In addition, because this matter and the UTER adversary proceeding raise substantially similar constitutional challenges to PROMESA, the United States believes that it would conserve the parties’ and the Court’s resources to synchronize the schedules for both matters. *See* ECF No. 1383 (court noting the “interest in preserving parallel briefing schedules” in these two

matters). Accordingly, the United States will file a separate extension motion in the UTIER adversary proceeding to propose the schedule discussed above.

This 2nd day of October 2017.

Respectfully submitted,

ROSA E. RODRIGUEZ-VELEZ
United States Attorney

THOMAS G. WARD
Deputy Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

CHRISTOPHER R. HALL
Assistant Branch Director

/s/ Jean Lin
JEAN LIN (USDC-PR No. G02514)
Special Counsel
CESAR A. LOPEZ-MORALES (USDC-PR
No.G02704)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20530
Phone: (202) 514-3716
Fax: (202) 616-8202
Email: jean.lin@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October 2017, I caused a true and correct copy of the foregoing Notice of Appearance to be filed with the Clerk of the Court using the CM/ECF system which will generate electronic notification to all CM/ECF participants in these cases.

/s/ Jean Lin
Jean Lin